

**City of Duluth
Planning Division**

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MEMORANDUM

DATE: April 1, 2014
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Proposed Text Amendments to Subdivision Regulations

The Planning Division is recommending an amendment to the subdivision process. Staff have reviewed subdivision language from several of the other 107 home rule charter cities in Minnesota (Minneapolis, Albert Lea, Mankato, Winona, Owatonna, Bemidji, Alexandria, and Fairmont) and relevant Minnesota Rules and State Statute (462, 505, and 508).

The proposed language is a replacement for current UDC section 50-37.5, Subdivision plat Approval or Amendment. The most significant changes are related to:

- applicability of the section (clarifying some exemptions, such as the conveyance of unplatted land),
- property transfers (requiring that new lot splits be reviewed by the city to ensure that new non-conforming lots are not created),
- minor subdivision process (replacement for the quick plat process), and
- process for Registered Land Survey approval

The language for traditional subdivisions (preliminary and final plat) is largely unchanged.

50-37.5 Subdivision Plat Approval or Amendment

A. Applicability

This section applies to all applications to subdivide unplatted land, or to replat previously platted land, or to adjust the boundary lines between existing property lines. This section is intended to comply with all applicable provisions of state law, including without limitation Laws of Minnesota 1933, Chapter 93 and Laws of Minnesota 1974, Chapter 236 and any provisions of MSA 462.358 and Chapter 505 and 508, as amended, still applicable to the city, and shall be interpreted to comply with those provisions wherever possible. All applications to subdivide land shall follow the standard subdivision process in subsections G and H below unless provided for in subsections C, D, E, or I below.

1. General Exemptions

The following subdivisions of land are exempted from the provisions of this section:

- a) Platted cemeteries done in accordance with the requirements of applicable state statutes and ordinances;
- b) Transfers of interest in land pursuant to court order;
- c) Registered Land Surveys prepared for the purpose of clarifying existing land descriptions;

2. Conveyance by Metes and Bounds

The following conveyances by metes and bounds shall be exempt from the provisions of this section and shall not constitute a subdivision if the subject of the conveyance:

- a) Was a separate parcel of record on the date of adoption of subdivision regulations, or was the subject of a written agreement to convey entered into prior to such time; or
- b) Was a separate parcel of not less than 2 ½ acres in area and 150 feet in width on January 1, 1966; or
- c) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or;
- d) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; or
- e) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

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B Property Transfers

Pursuant to Minnesota Statute 272.162, no land shall be transferred or divided in official records until the transfer has been approved by the land use supervisor to determine if the transfer is appropriate and conforms with existing city ordinances and regulations if the platted lot or parcel conveyed is:

1. Less than a whole parcel of land as charged in the tax lists; and
2. Is part of or constitutes a subdivision as defined in Minnesota Statute 462.352, subdivision 12.

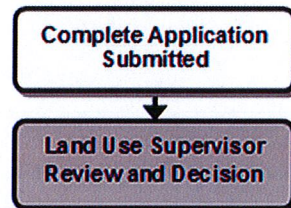
The land use supervisor shall certify that the transfer has complied with subsection C through I below, as applicable.

C Boundary Line Adjustment

A boundary line adjustment provides for the alteration of existing property lines, where no additional lots and parcels are created.

1. The land use supervisor shall approve the application if it is determined that:
 - (a) The application will not result in the creation of any new lots or parcels;
 - (b) If each of the existing lots and parcels, and the structures on those lots parcels, complies with the requirements of this Chapter, then after the adjustment each of the resulting lots or parcels, and the structures on those lots or parcels, will still comply with the requirements of this Chapter;
 - (c) If one or more of the existing lots or parcels, or a structure on one or more of those lots or parcels, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.
2. After the application is approved, the applicant must prepare a legal description and survey or similar recordable exhibit reflecting the relocated boundaries, obtain the land use supervisor's signature on that survey or exhibit, and record the survey or exhibit in the appropriate office at St. Louis County. If the survey or exhibit is not recorded within 180 days after the boundary line adjustment is approved, that approval will lapse and the survey or exhibit may not be recorded.

Boundary Line Adjustment

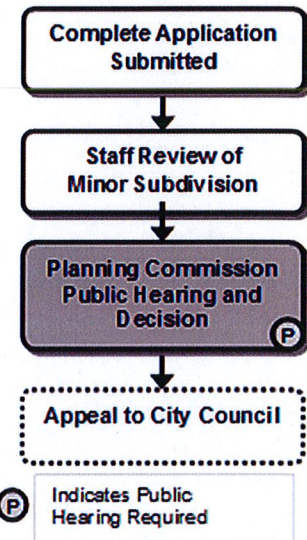


D Minor Subdivision Plat

A minor subdivision allows for the subdivision of a maximum of four lots, or the combination of any number of previously platted lots into a smaller number of platted lots. A minor subdivision is an approval process for simple land divisions.

1. The Planning Commission shall approve the application if it is determined that:
 - (a) The lot or lots to be subdivided or combined are previously platted lots and have frontage on an improved public street;
 - (b) Each lot meets the minimum zoning requirements of the district that it is in;
 - (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and
 - (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.
2. After the application is approved, the applicant must prepare a survey or similar recordable exhibit reflecting the relocated boundaries, obtain the signatures of the President and Secretary of the Planning Commission on that survey or exhibit, and record the survey or exhibit in the appropriate office at St. Louis County. If the survey or exhibit is not recorded within 180 days after the minor subdivision is approved, that approval will lapse and the survey may not be recorded.

Minor Subdivision



E Combination of Parcels

Any person with a legal or equitable interest in two or more contiguous lots or parcels of land may combine those parcels into a single lot or parcel by plat or registered land survey by complying with all the applicable subdivision procedures.

F Amending an Approved Subdivision Plat

An application to adopt or amend a subdivision preliminary plat or a subdivision final plat shall be filed pursuant to Section 50-37.1.G. An application to amend the street names of a subdivision final plat shall be filed pursuant to Section 50-37.1.H.

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G Subdivision Plat, Preliminary Procedure

1. Concept Plan

No application for a preliminary plat shall be accepted until the applicant has submitted a concept plan for the proposed subdivision. Concept plans shall reflect the general location of proposed lots, tracts, and streets, shall reflect all areas of the property where development is restricted pursuant to the NR-O overlay district in Section 50-18.1. The intent of the concept plan is to review general concepts for development of the site before applicants have incurred costs for engineering, soil, or storm water studies. The concept plans shall be reviewed in an informal discussion with planning staff.

2. Preliminary Storm Water Plan

A preliminary storm water plan shall be submitted and approved by the city engineer prior to submittal of the application for a preliminary plat.

3. Preliminary Plat Review and Referral

The applicant shall submit a preliminary plat and all required and proposed improvements to the city. The preliminary plat, together with the surveyor's mathematical calculations, shall be reviewed by the city engineer for accuracy of the surveys, the adequacy of the monuments, the proposed street improvements and other features of concern. The preliminary plat may be submitted to the county engineer if the plat involves features of concern to the county highway department, and to such other divisions of government or public utility corporations as the city deems necessary or desirable. The city engineer shall check the plat boundary survey with the county surveyor to determine the coinciding of the plat boundary lines with the boundary lines of adjoining plats, tracts or other subdivision lines or markers.

4. Preliminary Plat Decision

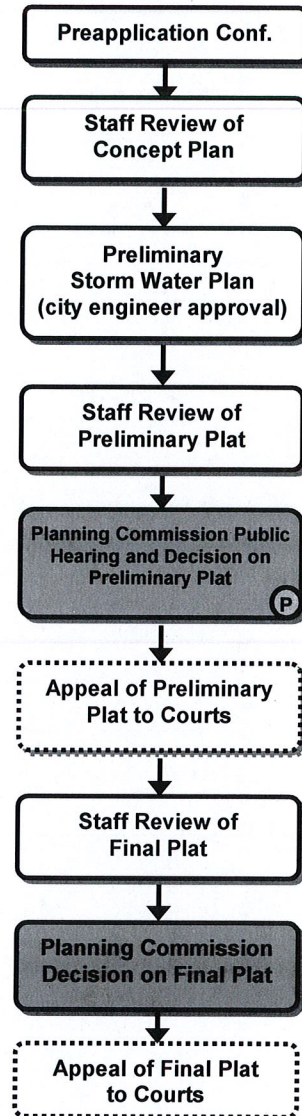
The planning commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision to approve, adopt with modifications or deny the application based on the criteria in subsection 50-37.5.J.3 below.

5. Preliminary Plat Criteria

The planning commission shall approve the application, or approve it with modifications if it determines that the application:

(a) Is consistent with the Comprehensive Land Use Plan;

Subdivision Plat Approval or Amendment



(P) Indicates Public Hearing Required

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- (b) Is consistent with all requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

H Subdivision Plat, Final Procedure

1. Final Plat Review and Decision

After the approval of the preliminary plat, the applicant shall submit one or more final plats covering part or all of the land covered by the preliminary plat, together with evidence that the requirements of the approved plat have been met for the portion(s) of the land covered by the final plat. The planning commission shall approve, adopt with modifications or deny the final plat based on the criteria in subsection 2 below. The planning commission may refer the final plat to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection 2 below have been met.

2. Final Plat Criteria

The planning commission shall approve the application, or approve it with modifications, if the application meets the following criteria:

- (a) Is consistent with all provisions of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 1 year after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the city pursuant to Section 50-37.1.P.

3. Final Plat Recording

After the final plat is approved, it must be recorded in the office of the county recorder as provided in MSA 505.04. A final plat that is not recorded within 180 days after approval will lapse and may not be recorded. After the final plat has been recorded, lots may be sold and building permits for structures on the platted lots may be issued; any sales of lots shown on the final plat before recording of the final plat shall be a violation of this Chapter. Once approved, plats shall be signed by the President and Secretary of the Planning Commission.

I Registered Land Survey

Registered land surveys shall be approved in the manner required for the approval of minor subdivision plats in subsection D above if the registered land survey has four or less parcels or tracts of land. Registered Land Surveys that have five or more parcels or tracts of land must follow the process listed below.

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1. Concept Plan

No registered land survey shall be accepted until the applicant has submitted a concept plan for the proposed subdivision. Concept plans shall reflect the general location of proposed parcels and tracts, and shall reflect all areas of the property where development is restricted pursuant to the NR-O overlay district in Section 50-18.1. The intent of the concept plan is to review general concepts for development of the site before applicants have incurred costs for engineering, soil, or storm water studies. The concept plans shall be reviewed in an informal discussion with planning staff.

2. Storm Water Plan and Wetland Delineation

A storm water plan shall be submitted and approved by the city engineer, and all wetlands must be delineated, prior to submittal of the application for a registered land survey.

3. Review and Referral

The registered land survey, together with the surveyor's mathematical calculations, shall be reviewed by the city engineer for accuracy of the surveys, the adequacy of the monuments, and other features of concern. The registered land survey may be submitted to the county engineer if the registered land survey involves features of concern to the county highway department, and to such other divisions of government or public utility corporations as the city deems necessary or desirable. The city engineer shall check the registered land survey with the county surveyor to determine the coinciding of the registered land survey boundary lines with the boundary lines of adjoining plats, tracts or other subdivision lines or markers.

4. Registered Land Survey Decision

The planning commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision to approve, adopt with modifications or deny the application based on the criteria in subsection 50-37.5.I.5 below.

5. Registered Land Survey Criteria

The planning commission shall approve the application, or approve it with modifications if it determines that the application:

- (a) Is consistent with the Comprehensive Land Use Plan;
- (b) Is consistent with all requirements of MSA 462.358 and Chapter 508;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the registered land survey;
- (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

6. Registered Land Survey Recording

After the registered land survey is approved, it must be recorded in the office of the county recorder as provided in MSA 508. A registered land survey that is not

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recorded within 180 days after approval will lapse and may not be recorded. After the registered land survey has been recorded, parcels and tracts may be sold and building permits for structures on the parcels and tracts may be issued; any sales of parcels and tracts shown on the registered land survey before recording of the registered land survey shall be a violation of this Chapter.

138; 1999 c 96 s 3,4; 1999 c 211 s 1; 2001 c 174 s 1; 2001 c 207 s 13,14; 2002 c 366 s 6; 2004 c 258 s 2; 2005 c 56 s 1; 1Sp2005 c 1 art 1 s 92; art 2 s 146; 2007 c 140 art 12 s 14; 2008 c 297 art 1 s 60,61; 2009 c 149 s 3; 2011 c 19 s 2

462.358 OFFICIAL CONTROLS: SUBDIVISION REGULATION; DEDICATION.

Subdivision 1. [Repealed, 1980 c 566 s 35]

Subd. 1a. **Authority.** To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area.

Subd. 2. [Repealed, 1980 c 566 s 35]

Subd. 2a. **Terms of regulations.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit the issuance of permits or approvals for any tracts, lots, or parcels for which required subdivision approval has not been obtained.

The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, bond, or other financial security in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. Sections 471.345 and 574.26 do not apply to improvements made by a subdivider or a subdivider's contractor.

A municipality may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the municipality for direct costs relating to professional services provided during the review, approval and inspection of the project. A municipality may

only charge the applicant a rate equal to the value of the service to the municipality. Services provided by municipal staff or contract professionals must be billed at an established rate.

When the applicant vouches, by certified letter to the municipality, that the conditions required by the municipality for approval under this subdivision have been satisfied, the municipality has 30 days to release and return to the applicant any and all financial securities tied to the requirements. If the municipality fails to release and return the letters of credit within the 30-day period, any interest accrued will be paid to the applicant. If the municipality determines that the conditions required for approval under this subdivision have not been satisfied, the municipality must send written notice within seven business days upon receipt of the certified letter indicating to the applicant which specific conditions have not been met. The municipality shall require a maintenance or performance bond from any subcontractor that has not yet completed all remaining requirements of the municipality.

The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

Subd. 2b. **Dedication.** (a) The regulations may require that a reasonable portion of the buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities as defined in section 471.191, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance or under the procedures established in section 462.353, subdivision 4a.

(b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget and have a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs (c) to (i).

(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city's adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, the municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval. "Fair market value" means the value of the land as determined by the municipality annually based on tax valuation or other relevant data. If the municipality's calculation of valuation is objected to by the applicant, then the value shall be as negotiated between the municipality and the applicant, or based on the market value as determined by the municipality based on an independent appraisal of land in a same or similar land use category.

(d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision.

(e) The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(f) Cash payments received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained.

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(h) The municipality must not deny the approval of a subdivision based solely on an inadequate supply of parks, open spaces, trails, or recreational facilities within the municipality.

(i) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

Subd. 2c. **Nexus.** (a) There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.

(b) If a municipality is given written notice of a dispute over a proposed fee in lieu of dedication before the municipality's final decision on an application, a municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee in lieu of dedication.

(c) An application may proceed as if the fee had been paid, pending a decision on the appeal of a dispute over a proposed fee in lieu of dedication, if (1) the person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication, (2) prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and (3) the person aggrieved by the fee appeals under section 462.361, within 60 days of the approval of the application. If such an appeal is not filed by the deadline, or if the person aggrieved by the fee does not prevail on the appeal, then the funds paid into escrow must be transferred to the municipality.

Subd. 3. [Repealed, 1980 c 566 s 35]

Subd. 3a. **Platting.** The regulations may require that any subdivision creating parcels, tracts, or lots, shall be platted. The regulations shall require that all subdivisions which create five or more lots or parcels which are 2-1/2 acres or less in size shall be platted. The regulations shall not conflict with the provisions of chapter 505 but may address subjects similar and additional to those in that chapter.

Subd. 3b. **Review procedures.** The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. Subdivisions including lands abutting upon any existing or proposed trunk highway, county road or highway, or county state-aid highway shall also be subject to review. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or

charter. A municipality must approve a preliminary plat that meets the applicable standards and criteria contained in the municipality's zoning and subdivision regulations unless the municipality adopts written findings based on a record from the public proceedings why the application shall not be approved. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

Subd. 3c. Effect of subdivision approval. For one year following preliminary approval and for two years following final approval, unless the subdivider and the municipality agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the municipality may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned and staged development, a municipality may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

Subd. 4. [Repealed, 1982 c 415 s 3]

Subd. 4a. Disclosure by seller; buyer's action for damages. A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted municipal subdivision regulations apply, shall attach to the instrument of conveyance either: (a) recordable certification by the clerk of the municipality that the subdivision regulations do not apply, or that the subdivision has been approved by the governing body, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the municipality in this case

because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or (b) a statement which names and identifies the location of the appropriate municipal offices and advises the grantee that municipal subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the municipality. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this subdivision shall be grounds for damages. If the buyer establishes a right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five per centum of the purchase price of the land.

Subd. 4b. Restrictions on filing and recording conveyances. (a) In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective.

(b) The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

(2) was the subject of a written agreement to convey entered into prior to such time, or

(3) was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966, or

(4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

(5) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or

(6) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

(c) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

(d) Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed.

(e) A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

Subd. 5. **Permits.** Except as otherwise provided by this section all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the official map of the municipality, or which has otherwise been approved by the governing body. When a municipality has adopted an official map, no permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the official map or which has been otherwise approved by the governing body, and unless the buildings conform to the established building line. This limitation on issuing permits shall not apply to planned developments approved by the governing body pursuant to its zoning ordinance. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this section.

Subd. 6. **Variances.** Subdivision regulations may provide for a procedure for varying the regulations as they apply to specific properties where an unusual hardship on the land exists, but variances may be granted only upon the specific grounds set forth in the regulations. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Subd. 7. **Vacation.** The governing body of a municipality may vacate any publicly owned utility easement or boulevard reserve or any portion thereof, which are not being used for sewer, drainage, electric, telegraph, telephone, gas and steam purposes or for boulevard reserve purposes, in the same manner as vacation proceedings are conducted for streets, alleys and other public ways under a home rule charter or other provisions of law.

A boulevard reserve means an easement established adjacent to a dedicated street for the purpose of establishing open space adjacent to the street and which area is designated on the recorded plat as "boulevard reserve".

Subd. 8. **Plat approval under other laws.** Nothing in this section is to be construed as a limitation on the authority of municipalities which have not adopted subdivision regulations to approve plats under any other provision of law.

Subd. 9. **Unplatted parcels.** Subdivision regulations adopted by municipalities may apply to parcels which are taken from existing parcels of record by metes and bounds descriptions, and the governing body or building authority may deny the issuance of permits or approvals, building permits issued under sections 326B.101 to 326B.194, or other permits or approvals to any parcels so divided, pending compliance with subdivision regulations.

Subd. 10. **Limitations.** Nothing in this section shall be construed to require a municipality to regulate subdivisions or to regulate all subdivisions which it is authorized to regulate by this section.

Subd. 11. **Affordable housing.** For the purposes of this subdivision, a "development application" means subdivision, planned unit development, site plan, or other similar type action. If a municipality, in approving a development application that provides all or a portion of the units for persons and families of low and moderate income, so proposes, the applicant may request that provisions authorized by clauses (1) to (4) will apply to housing for persons of low and moderate income, subject to agreement between the municipality and the applicant:

(1) establishing sales prices or rents for housing affordable to low- and moderate-income households;

(2) establishing maximum income limits for initial and subsequent purchasers or renters of the affordable units;

(3) establishing means, including, but not limited to, equity sharing, or similar activities, to maintain the long-term affordability of the affordable units; and

(4) establishing a land trust agreement to maintain the long-term affordability of the affordable units.

Clauses (1) to (3) shall not apply for more than 20 years from the date of initial occupancy except where public financing or subsidy requires longer terms.

History: 1965 c 670 s 8; 1971 c 842 s 1; 1973 c 67 s 1; 1973 c 176 s 1; 1975 c 98 s 1; 1976 c 181 s 2; 1978 c 786 s 16,17; 1980 c 560 s 6; 1980 c 566 s 25-33; 1981 c 85 s 7; 1982 c 415 s 2; 1982 c 507 s 23; 1985 c 194 s 24; 1986 c 444; 1989 c 196 s 1; 1989 c 200 s 1; 1989 c 209 art 2 s 1; 1995 c 254 art 1 s 90; art 3 s 6,7; 2000 c 497 s 1; 2001 c 7 s 74; 2002 c 315 s 1; 2004 c 178 s 2,3; 2006 c 209 s 1; 2006 c 269 s 1; 2006 c 270 art 1 s 6; 2007 c 116 s 1; 2007 c 140 art 4 s 61; art 13 s 4; 2013 c 85 art 5 s 41

462.3585 JOINT PLANNING BOARD.

Upon request of a home rule charter or statutory city council or county or town board by resolution presented to the county auditor of the county of the affected territory a board shall be established to exercise planning and land use control authority in the unincorporated area within two miles of the corporate limits of a city. The board shall have members in a number determined by the city, county, and town. Each governmental unit shall have an equal number of members. The members shall be appointed from the governing bodies of the city, county, and town. Upon request of more than one county or town board with respect to the unincorporated area within two miles of the corporate limits of a single city, the parties may create one board rather than a separate board for each county or town, with equal membership from each affected governmental unit. The board shall serve as the governing body and board of appeals and adjustments for purposes of sections 462.351 to 462.364 within the two-mile area. The board shall have all of the powers contained in sections 462.351 to 462.364 and shall have authority to adopt and enforce the State Fire Code promulgated pursuant to section 326B.02, subdivision 5. The city shall provide staff for the preparation and administration of land use controls unless otherwise agreed by the governmental units. If a municipality extends the application of its subdivision regulations to unincorporated territory located within two miles of its limits pursuant to section 462.358, subdivision 1a, before the creation of a joint board, the subdivision regulations which the municipality has extended shall apply until the joint board adopts subdivision regulations.

History: 1982 c 507 s 24; 2005 c 136 art 9 s 14; 2007 c 140 art 3 s 6; art 13 s 4

462.359 PROCEDURE TO EFFECT PLAN: OFFICIAL MAPS.

Subdivision 1. **Statement of purpose.** Land that is needed for future street purposes or for aviation purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

CHAPTER 505

PLATS; COORDINATES; SURVEYS

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PLATS

505.01 PLATS, DONATIONS, PURPOSE, DEFINITIONS.

Subdivision 1. **Donations.** Plats of land may be made in accordance with the provisions of this chapter, and, when so made and recorded, every donation of a park to the public shall operate to convey the fee of all land so donated, for the uses and purposes named or intended, with the same effect, upon the donor and the donor's heirs, and in favor of the donee, as though such land were conveyed by warranty deed. Land donated for any public use in any municipality shall be held in the corporate name in trust for the purposes set forth or intended. A street, road, alley, trail, and other public way dedicated or donated on a plat shall convey an easement only. Easements dedicated or donated on a plat shall convey an easement only.

Subd. 2. **Purpose.** A plat prepared and recorded in accordance with this chapter may be used to:

(1) indicate the dedication of easements for public ways, utility easements, and drainage easements as necessary for orderly development;

(2) depict one or more parcels for the purpose of simplifying legal descriptions; or

(3) comply with minor subdivision procedures of a local unit of government.

Subd. 3. **Definitions.** (a) "Block" means a tract of land consisting of one or more lots, as identified on the plat, and bounded by plat boundaries, public ways, outlots, parks, or bodies of water.

(b) "Drainage easement" means an easement for the purpose of controlling, preserving, and providing for the flow or storage of water.

(c) "Lot" means a tract of land which is all or part of a block and is identified on the plat.

(d) "Minor subdivision procedure" means an approval process that a local unit of government may adopt under this chapter for simple land divisions.

(e) "Outlot" means a tract of land identified by a capital letter and is land that is not part of a block.

(f) "Plat" means a delineation of one or more existing parcels of land drawn to scale showing all data as required by this chapter, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways.

(g) "Plat monument" means a durable magnetic marker placed at all locations required by this chapter or other locations as shown on the plat.

(h) "Public way" means a thoroughfare or cul-de-sac which provides ingress and egress to the public.

(i) "Survey line" means a monumented reference line that is not a boundary.

(j) "Utility easement" means an easement conveyed, granted, or dedicated to the public for utility purposes.

(k) "Water boundary" means the shore or margin of lakes, ponds, rivers, creeks, streams, drainage ditches, or swamps, which forms a boundary of or within the plat.

(l) "Wet land" means all rivers, streams, creeks, drainage ditches, lakes, ponds, and swamps.

(m) "Witness monument" means a plat monument placed at an identified distance and direction from a corner that is in a physical location that is not practical to monument.

History: (8236) *RL s 3365; 1986 c 444; 2007 c 73 s 1; 2008 c 225 s 1*

505.02 [Repealed, 2007 c 73 s 7]

505.021 PLAT CONTENTS; SURVEY; COUNTY SURVEYOR APPROVAL.

Subdivision 1. **Plat format.** A plat shall be prepared on four mil transparent reproducible film or the equivalent, and shall be prepared by a photographic process. Plat sheet size shall be 22 inches by 34 inches. A border line shall be placed one-half inch inside the outer edge of the plat on the top and bottom 34-inch sides; and the right 22-inch side; and two inches inside the outer edge of the plat on the left 22-inch side. If a plat consists of more than one sheet, the sheets shall be numbered consecutively.

Subd. 2. **Plat name; legal description; dedication statement.** The plat name shall appear across the top portion of the plat and in the dedication paragraph of the plat and shall not duplicate or be similar to the name of any plat that is in the office of the county recorder or registrar of titles

in the county in which the land is located. The plat name shall be in capital letters in all locations that the name appears on the plat. The plat shall contain a complete and accurate description of each tract of land being platted and a dedication statement describing what part of the land is dedicated, to whom, and for what purpose. In the event of a discrepancy between the plat name stated in the dedication statement and the plat name appearing in other portions of the plat, the name in the dedication statement shall control.

Subd. 3. Ownership interest; acknowledgment. The names and signatures of all fee owners, contract for deed vendees, and mortgage holders of record of the land being platted shall appear on the plat, together with a statement as to their interest. The marital status of individual owners shall appear on the plat. Entities shall identify the specific type of entity and the jurisdiction in which the entity is organized. Agents or officers for an entity shall state their position with the entity. A mortgage holder may consent to the plat by a written acknowledged statement in lieu of the mortgage holder's name and signature appearing on the plat. If a mortgage holder is included on the plat, the plat shall be signed by an authorized representative. If a certificate of notarial act on a plat includes the jurisdiction of the notarial act, the name of the notarial officer, the title of the notarial officer, and the date the notary commission expires, printed in pen and ink or typewritten on the plat, a plat shall be recorded regardless of whether a notary stamp was used or was illegible if used. All signatures on the plat shall be written with black ink (not ball point).

Subd. 4. Boundary; lots; blocks; outlots. Plat boundaries shall be designated on the plat in accordance with the underlying legal description and survey. All lots in each block shall be numbered consecutively with Arabic numerals beginning with the numeral 1. All blocks shall be numbered consecutively with Arabic numerals beginning with numeral 1. All outlots shall be labeled OUTLOT in capital letters and lettered consecutively in capital letters beginning with the letter "A." All lot, block, and outlot lines shall be drawn as a solid line. The name and adjacent boundary line of any adjoining platted lands shall be dotted on the plat.

Subd. 5. Mathematical data; dimensions; labels; symbols. A plat shall show all survey and mathematical information and data necessary to locate and retrace all boundary lines and monuments. Bearings, azimuths, and central angles shall be expressed in degrees, minutes, and seconds and labeled with the respective symbols. A north arrow and directional orientation note shall be shown. Distances shall be expressed in feet and hundredths of a foot. All straight line segments of the plat shall be labeled with the length of the line and bearing or azimuth. All curved line segments of the plat shall be labeled with the central angle, arc length, and radius length. If any curve is nontangential the dimensions shall include a long chord bearing or azimuth, and shall be labeled nontangential. The mathematical closure tolerance of the plat boundary, blocks, lots, and outlots shall not exceed 2/100 of a foot. A graphics scale shall be shown along with the label "Scale In Feet." Dimension and descriptive recitals in the legal description shown on the plat shall be depicted and labeled on the graphic portion of the plat. A symbol shall indicate the position of all found and set plat monuments, along with a description of each. Ditto marks and foot and inch symbols shall not be used.

Subd. 6. Public ways. All public ways within the plat, whether existing at the time of platting or being dedicated by the plat shall be depicted on the plat together with the name and sufficient mathematical data to locate the position and width of the public way. The location of all existing public ways adjacent to the plat boundary shall be depicted on the plat as dashed lines. The name and width of the adjacent public ways shall be shown, if known.

Subd. 7. **Easements.** All easements to be dedicated on the plat shall be depicted on the plat with purpose, identification, and sufficient mathematical data to locate the boundaries of the easements. Easements created on the plat shall be limited to public utility and/or drainage easements as defined in section 505.01, subdivision 3, paragraphs (b), (h), and (j). Easement boundaries shall be shown as dashed lines. Temporary easements, building setback information, and building floor elevations shall not be shown on a plat.

Subd. 8. **Water boundaries.** Any water boundary abutting or lying within the plat boundaries shall be shown and identified on the plat as a solid line delineating the then existing shore line. When any parcel depicted on the plat includes water as a boundary, a dashed survey line shall be shown and labeled with sufficient mathematical data to compute a closure of said parcel. Distances shall be shown between the survey line and the water boundary at all angle points, lot and boundary lines. Plat monuments shall be set at all locations where the survey line intersects a plat boundary line or block, lot or outlot line. The water elevation of any lake, stream, or river depicted on the plat shall be shown to the tenth of a foot along with the date the elevation was measured. All elevations shall be referenced to a durable benchmark described on the plat together with its general location shown and benchmark elevation to the hundredth of a foot. If a mean sea level adjusted datum benchmark is available within two miles of the land being platted, all elevations shall be referenced to the datum. The highest known water elevation shall be indicated on the plat if the data is available from the Department of Natural Resources, the United States Army Corps of Engineers, or another appropriate governmental unit. All wet lands as defined in section 505.01, subdivision 3, paragraph (l), shall be shown on the plat. The shore or margin of wet lands which do not form a boundary of or within the plat shall be shown as a dashed line.

Subd. 9. **Certifications.** (a) A plat shall contain a certification by the land surveyor who surveyed or directly supervised the survey of the land being platted, and prepared the plat or directly supervised the plat preparation. The certificate shall state that:

- (1) the plat is a correct representation of the boundary survey;
- (2) all mathematical data and labels are correctly designated on the plat;
- (3) all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat;
- (4) all water boundaries and wet lands as of the date of the surveyor's certification are shown and labeled on the plat; and
- (5) all public ways are shown and labeled on the plat.

The surveyor's certification shall be properly acknowledged by the surveyor on the plat before a notarial officer.

(b) A plat shall contain a certification of approval executed by the local elected governmental unit or an authorized official designated by the local elected governmental unit.

(c) In any county that requires review and approval of plats by the county surveyor or another land surveyor, the plat shall contain a certification of approval executed by the county surveyor or land surveyor that this plat is in compliance with this section.

(d) A plat shall contain a certification by the proper county official that there are no delinquent taxes owed and that the current year's payable taxes have been paid in accordance with section 272.12.

(e) A plat shall contain a certification of recording by the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property.

Subd. 10. **Survey.** The land surveyor that certifies the plat shall survey or directly supervise the survey of the land depicted on the plat. Plat monuments shall be set at all angle and curve points on the outside boundary lines of the plat prior to recording. Plat monuments shall be set at all other block, lot, outlot, park, survey line, and witness corners within one year after recording the plat. A financial guarantee may be required for the placement of monuments. If it is impracticable to set a plat monument, a witness plat monument shall be set. The license number of the land surveyor that certifies the plat shall be affixed to all set plat monuments.

Subd. 11. **County surveyor approval.** All plats prepared for recording in accordance with this section are subject to approval by the county surveyor in accordance with section 389.09, subdivision 1, and/or as authorized by their respective county board of commissioners.

History: 2007 c 73 s 2; 2008 c 225 s 2,3

505.03 GOVERNMENTAL APPROVAL.

Subdivision 1. **City, town, and county approval.** Plats shall, except in cities whose charters provide for official supervision of plats by municipal officers or bodies, together with an abstract and certificate of title, be presented for approval to the council of the city or town board of towns wherein there reside over 5,000 people in which the land is located; and, if the land is located outside the limits of any city, or such town, then to the board of county commissioners of the county in which the land is located. Plats that subdivide land are subject to the approval of the elected body of the local governmental units exercising authority over the subdivision of the land. Plats that only delineate existing parcels or comply with a minor subdivision procedure may be approved by a local government official designated by the governing body of the local governmental unit exercising authority over the subdivision of land.

Subd. 2. **Plat approval; road review.** (a) Any proposed preliminary plat in a city, town, or county, which includes lands abutting upon state rail bank property or upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented by the city, town, or county to the commissioner of transportation for written comments and recommendations. Preliminary plats in a city or town involving state rail bank property or both a trunk highway and a highway under county jurisdiction shall be submitted by the city or town to the county highway engineer as provided in paragraphs (b) and (c) and to the commissioner of transportation. Plats shall be submitted by the city, town, or county to the commissioner of transportation for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat. The commissioner of transportation shall submit the written comments and recommendations to the city, town, or county within 30 days after receipt by the commissioner of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the 30-day period has elapsed.

(b) If any proposed preliminary plat or initial plat filing includes land located in a city or town bordering either state rail bank property or an existing or proposed county road, highway, or county state-aid highway, and the property, road, or highway is designated on a map or county highway plan filed in the office of the county recorder or registrar of titles, then the plat or plat filing must be submitted by the city or town to the county engineer within five business days after receipt by the city or town of the preliminary plat or initial plat filing for written comments

and recommendations. The county engineer's review shall be limited to factors of county significance in conformance with adopted county guidelines developed through a public hearing or a comprehensive planning process with comment by the cities and towns. The guidelines must provide for development and redevelopment scenarios, allow for variances, and reflect consideration of city or town adopted guidelines.

(c) Within 30 days after county receipt from the city or town of the preliminary plat or initial plat filing, the county engineer shall provide to the city or town written comments stating whether the plat meets county guidelines and describing any modifications necessary to bring the plat into conformity with the county guidelines. No city or town may approve a preliminary plat until it has received the county engineer's written comments and recommendations or until the county engineer's comment period has expired, whichever occurs first. Within ten business days following a city's or town's approval of a preliminary plat, the city or town shall submit to the county board notice of its approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. In the event the city or town does not amend the plat to conform to the recommendations made by the county engineer, representatives from the county and city or town shall meet to discuss the differences and determine whether changes to the plat are appropriate prior to final approval. This requirement shall not extend the time deadlines for preliminary or final approval as required under this section, section 15.99 or 462.358, or any other law, nor shall this requirement prohibit final approval as required by this section.

(d) A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing:

- (1) the outlet for and means of disposal of surface waters from the proposed platted area;
- (2) the land use designation or zoning category of the proposed platted area;
- (3) the locations of ingress and egress to the proposed platted area; and
- (4) a preliminary site plan for the proposed platted area, with dimensions to scale, authenticated by a registered engineer or land surveyor, showing:
 - (i) the state rail bank property;
 - (ii) the existing or proposed state highway, county road, or county highway; and
 - (iii) all existing and proposed rights-of-way, easements, general lot layouts, and lot dimensions.

(e) Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. A city, town, or county shall file with the plat, in the office of the county recorder or registrar of titles, a certificate or other evidence showing submission of the preliminary plat to the commissioner or county highway engineer in compliance with this subdivision.

Subd. 3. Check, approval, expenses, certification. The council or board to whom the plat has been presented may, after having notified the proprietor to that effect, employ qualified persons to check and verify the surveys and plat, and to determine the suitability of the plat from the standpoint of community planning, and such persons shall make full reports of their findings. The council or board may require the proprietor to reimburse the city, town or county for the cost of such services; if such services are rendered by a salaried employee of the municipality, the charge therefor may be computed on the basis of such employee's regular hourly, daily, weekly or

monthly wages or salary. When the plat has been approved, it shall be so certified to by the city or town clerk or county auditor, as the case may be.

History: (8238) *RL s 3367; 1907 c 438 s 2; 1953 c 165 s 1; 1955 c 866 s 1; 1959 c 339 s 2; 1967 c 580 s 2; 1973 c 9 s 1; 1973 c 123 art 5 s 7; 1976 c 166 s 7; 1976 c 181 s 2; 1980 c 533 s 14; 1986 c 444; 1992 c 493 s 12; 2000 c 497 s 2; 2007 c 73 s 3; 2009 c 168 s 11*

505.04 REAL ESTATE TAXES; RECORDING; COPIES.

Every plat, when duly certified, signed, and acknowledged, as provided in section 505.021, and upon presentation of a certificate from the authorized county official that the current year's taxes have been paid, shall be recorded in the office of the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property. An exact transparent reproducible copy shall, at the discretion of the county recorder or registrar of titles, be provided to the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property. The official plat shall be labeled "OFFICIAL PLAT" and any copy shall be labeled "copy." The official plat and any copy shall be placed under the direct supervision of the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property and be open to inspection by the public. In counties having a full-time county surveyor who operates an office on a full-time basis, the exact copy may be placed under the direct supervision of the county surveyor and be open to inspection by the public. Upon request of the county auditor of the county wherein the land is situated, the county recorder or registrar of titles shall cause a reproduction copy of the official plat, or of the exact copy, to be made and filed with the county auditor, at the expense of the county.

History: (8240) *RL s 3368; 1907 c 438; 1911 c 347 s 2; 1967 c 580 s 3; 1976 c 181 s 2; 1983 c 222 s 43; 1984 c 655 art 1 s 68; 2007 c 73 s 4*

505.05 CERTAIN STATUTORY CITY PLATS DECLARED OFFICIAL.

In all cases in which numerous plats have been made or recorded between the 15th day of September, A.D. 1887, and the 15th day of January, A.D. 1904, the last plat made and recorded and affecting a particular statutory city is hereby declared to be, and is hereby made, the official plat of the particular statutory city to which it relates.

History: (8242) *1913 c 497 s 1; 1973 c 123 art 5 s 7*

505.06 CERTAIN STATUTORY CITY PLATS TO BE RECORDED.

Any statutory city plat which has been heretofore filed in the office of the county recorder of the county in which the statutory city is located, but not recorded, but has been and has remained on file in the office of the county recorder for more than 15 years prior to the passage of this section, shall, upon the request of any property owner whose property is affected by or included in the plat, and upon the payment of legal fees therefor, be recorded by the county recorder; and, to entitle any such plat to be so recorded, it shall not be necessary to have the same approved by the council of such statutory city, nor shall it be necessary to have the certificate of the recorder of such statutory city or the auditor of such county to or upon the plat or to have any certificate upon such plat, not on the same at the time such plat was so filed in the office of the county recorder.

History: (8241) *1913 c 325 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1986 c 444*

505.07 CITY WITH NEW NAME MAY CONFORM PLAT NAMES.

The council of any statutory city in this state, the name of which has been changed, is hereby given power and authority to change, in the manner herein specified, the name of any and all plats of real estate located within the corporate limits of such statutory city to conform to the corporate name of such statutory city.

In case the statutory city council determines to change the name of any such plat, it shall adopt a resolution specifying the plat, the name of which is to be changed, and designating the name by which it shall thereafter be known, and a copy of the resolution, duly certified by the clerk or recorder of the statutory city, shall thereupon be filed for record in the office of the county recorder of each county in which the real estate covered by the plat is located.

After such a resolution has been adopted and a certified copy thereof recorded, the plat referred to therein shall thereafter be known and designated by the name specified in the resolution and all real estate embraced in the plat may thereafter be conveyed by reference to the name of the plat as changed or by reference to the name of the plat before its name was changed as the grantor may prefer.

History: (8242-1, 8242-2, 8242-3) 1927 c 31 s 1-3; 1973 c 123 art 5 s 7; 1976 c 181 s 2

505.08 CERTIFIED COPIES; PENALTIES.

Subdivision 1. [Repealed, 2007 c 73 s 7]

Subd. 2. **Public certified copies.** The copies of the official plat or of the exact reproducible copy shall be compared and certified to by the county recorder or registrar of titles in the manner in which certified copies of records are issued in the recorder's or registrar's office, and the copy thereof shall be for the use of the general public and anyone shall have access to and may inspect such certified copy during normal business hours. When the plat includes both registered and nonregistered land, copies thereof shall be so certified and available for such general public use in each of the offices of the county recorder and registrar of titles; provided, however, that only one such copy so certified shall be provided for general public use in those counties wherein the offices of the county recorder and registrar of titles are one and the same. When any copy, or any part thereof, shall become illegible from use or wear or otherwise, it shall be the duty of the county recorder or registrar of titles or county surveyor, depending upon where the copy resides, to make a reproduction copy of the official plat, or the exact transparent reproducible copy. It shall be the responsibility of the county recorder or registrar of titles to compare the copy, certify that it is a correct copy thereof, by proper certificate as set forth above, and it shall be made available in place of the illegible copy. Reproductions from the exact transparent reproducible copy shall be available to any person upon request and the cost of such reproductions shall be paid by the person making such request. If a copy of the official plat is requested, the county recorder shall prepare it and duly certify that it is a copy of the official plat and the cost of such copy shall be paid by the person making such request.

Subd. 2a. [Repealed, 2007 c 73 s 7]

Subd. 3. [Repealed, 2007 c 73 s 7]

History: (8243) 1913 c 101 s 1; 1959 c 339 s 3; 1967 c 580 s 4; 1976 c 6 s 1; 1976 c 181 s 2; 1978 c 499 s 1; 1985 c 281 s 13; 1986 c 444; 1998 c 324 s 9; 1999 c 11 art 3 s 19; 2000 c 497 s 3; 2005 c 136 art 14 s 8; 2007 c 73 s 5

505.09 COUNTY BOARD CONTROLS PLATS OUTSIDE MUNICIPALITIES.

Subdivision 1. **Platting; laying of public ways.** The county board of any county shall have power to control and regulate the platting of subdivision of land and the laying out of streets and other public ways without the boundaries of municipalities.

Subd. 1a. **Town board preapproval.** The board shall not approve any plat of land lying in a town which has appointed a planning and zoning commission unless the town board approves the plat and the laying of streets and other public ways shown on it. The approval shall be endorsed on the plat and signed by the chair of the town board.

Subd. 2. **Street width, parking places.** The county board may adopt regulations concerning the width of streets and establishment of public parking places with which plats must conform before approval.

History: (8243-1) 1929 c 225 s 1; 1947 c 185 s 1; 1949 c 665 s 1; 1986 c 444; 1989 c 9 s 4

505.10 MAJOR STREET PLAN.

In order to exercise the power conferred under sections 505.09 to 505.13, the board of county commissioners shall prepare a comprehensive major street plan of the district involved, which plan shall be designated and adopted as the official major street plan of the areas adjoining the city of Such plan may, from time to time, be amended, extended, or amplified. In the preparation of the major street plan and in the administration of the powers herein conferred, the board of county commissioners may avail itself of the assistance of the city planning commission of the city of the first class adjoining the areas involved.

History: (8243-2) 1929 c 225 s 2

505.11 BOARD TO MAKE REGULATIONS.

In exercising the powers herein conferred the board of county commissioners shall adopt regulations governing the platting of subdivision of lands within the areas designated. Such regulations may provide for the reasonable coordination of location and dimension of streets and boulevards and the location of utilities to be contained therein, the minimum width, depth, and area of lots and the distance of the front building line from the streets in residence neighborhoods, the extent of the grading and drainage of streets to be required as a condition precedent to the approval of plats of subdivisions. No grades shall be established or required by such regulations which would cause a material damage to the land within the area sought to be subdivided.

History: (8243-3) 1929 c 225 s 3

505.12 POWERS ADDITIONAL.

The powers herein conferred upon the board of county commissioners shall be construed as an addition to existing powers and not as an amendment to or a repeal thereof and shall be supplemental to and shall not set aside the jurisdiction over plats of subdivisions now exercised by the governing bodies of statutory cities and municipalities located in areas within the scope of sections 505.09 to 505.13; provided, that upon the failure of the governing body of such statutory city or municipality and the board of county commissioners to concurrently approve and adopt a plat of subdivision within 60 days of the time or presentation to each respective authority the approval of the board of county commissioners shall be final. The board of county commissioners may extend the time for concurrent approval with respect to individual plats of subdivisions.

History: (8243-4) 1929 c 225 s 4; 1973 c 123 art 5 s 7

505.13 APPLICATION; LIMITATION.

Nothing in sections 505.09 to 505.13 shall amend, repeal, or affect Special Laws 1889, chapter 178.

History: (8243-5) 1929 c 225 s 5

505.14 VACATION.

Upon the application of the owner of land included in any plat, and upon proof that all taxes assessed against the land have been paid, and the notice hereinafter provided for given, the district court may vacate or alter all, or any part, of the plat, and adjudge the title to all streets, alleys, and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots or providing access for the public to any public water, shall not be vacated between the lots, blocks, or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. If any part of a street, alley, or public ground proposed for vacation terminates at, abuts upon, or is adjacent to any public water, the petitioner shall serve notice of the petition by certified mail upon the commissioner of natural resources at least 60 days before the term at which it shall be heard. The notice under this subdivision creates a right of intervention by the commissioner of natural resources. The petitioner shall cause two weeks published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard; and the petitioner shall also serve personally, or cause to be served personally, notice of the application, at least ten days before the term at which the application shall be heard, upon the mayor of the city, the president of the statutory city, or the chair of the town board of the town where the land is situated. The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of the damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the county recorder. The district court shall not vacate or alter any street, alley, or public ground dedicated to the public use in or by any plat in any city or town organized under a charter or special law which provides a method of procedure for the vacation of streets and public grounds by the municipal authorities of the city or town.

History: (8244) RL s 3369; 1909 c 503 s 1; 1917 c 38 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1986 c 444; 1989 c 183 s 7; 2005 c 117 s 3

505.15 CERTAIN PLATS VALIDATED.

In all cases where the record owner of real estate in this state has heretofore conveyed the same, or any part thereof, by express reference in the instrument of such conveyance to a plat of such real estate on file in the office of the county recorder in the county in which such real estate is situated, and a plat so referred to in said conveyance is actually of record in such recorder's office at the time when such conveyance is made, such record owner and all persons claiming under such record owner, shall be forever estopped from questioning the validity of such plat, notwithstanding that at the time of the execution and record thereof, title to the premises covered thereby, appears of record to have been in the name of a person other than the person who executed such plat as proprietor of the premises covered thereby, and notwithstanding any irregularity or informality in the execution, acceptance, or record of such plat. In all such cases such plat shall be deemed and taken to be valid, confirmed, and legalized in all respects as if

actually executed and recorded by the persons who appear of record to have been the owners of the premises covered thereby at the time of the execution and record thereof.

History: (8245) 1905 c 129 s 1; 1976 c 181 s 2

505.16 APPLICATION.

Section 505.15 shall apply to all plats heretofore recorded of any townsite and to any addition to any townsite and to any addition to any town or city within the state.

History: (8246) 1905 c 129 s 2; 1973 c 123 art 5 s 7

505.165 CERTAIN PLATS EXECUTED OR FILED BEFORE JANUARY 1, 1915.

Subdivision 1. **Corrective plat.** That in all cases where the plats, or what purports to be plats, of any portion of the lands contained within any town or city of this state of additions or subdivisions thereof, which have been executed and filed in an office of any county recorder previous to January 1, 1915, fail to identify or correctly describe the land to be so platted or to show correctly upon their face the tract of land intended or purported to be platted thereby, or any such plats are defective by reason of the plat and the description of the land purported to be so platted thereby being inconsistent or incorrect, or there exists a defect in the execution of said plats on the part of the grantors thereof, the governing board or council of the municipality containing land so platted or purported to be so platted may authorize, within six months from the passage of Laws 1947, chapter 48, referring by the record book and page of such plat or plats in the office of the county recorder to the plat or plats to be corrected, the making of one or more plats which shall correctly show on the face thereof and by description of the land intended to be platted, which plat or plats may vary from the original plats in description as to lots and blocks to suit the best purpose and secure the best results, and such plat or plats, in a declaration thereon, shall recite such resolution and shall identify each separate tract of land described therein with such tract of land in the purported plat or plats intended to be corrected thereby, and shall be certified by the proper officers of the municipality as to authorization and by an engineer or surveyor as to correctness, and the signatures of such persons shall be acknowledged in like manner as a deed.

Subd. 2. **Recording; prima facie evidence.** Such plat or plats when so certified and acknowledged may be filed in the office of the county recorder and the declaration therein may be recorded at length in a "Book of Plat Certificates"; and when so filed and recorded such plat or plats and declaration together with the record thereof shall be prima facie evidence in all matters shown or stated therein as to the lands covered thereby.

Subd. 3. **Limitation on application.** This section shall not apply to a city whose charter provides for official supervision of plats by municipal officers, commission or board.

History: 1947 c 48 s 1-3; 1973 c 123 art 5 s 7; 1976 c 181 s 2

505.17 CERTAIN PLATS AND CERTIFICATES PRIMA FACIE EVIDENCE.

All certificates heretofore made and recorded under the provisions of Laws 1891, chapter 25, the same being "An act relative to plats of towns and cities in this state and of additions to, and subdivisions thereof and the correction and legalization of the same," or the record of such certificates, together with the plats to which they respectively refer, shall be prima facie evidence in all cases as to the lands covered by these plats.

History: (8246-1) 1907 c 53 s 1

505.173 CORRECTION OF PLATS.

Subdivision 1. **Certain defects.** In all cases where the plats, or what purports to be plats, of any portion of the lands contained within any additions to or subdivisions of any town or city, situated in any county having less than 15 full and fractional congressional townships, having less than 15,000 inhabitants according to the 1940 federal census, and having an assessed value of more than \$7,500,000 and less than \$8,500,000, exclusive of money and credits which have been executed and filed in an office of any county recorder previous to January 1, 1915, (1) fail to identify or correctly describe the land to be so platted or to show correctly upon their face the tract of land intended or purported to be platted thereby, or (2) are defective by reason of the plat and the description of the land purported to be so platted thereby being inconsistent or incorrect, or (3) there exists a defect in the execution of said plats on the part of the grantors thereof, the governing board or council of the municipality containing land so platted or purported to be so platted may authorize, within two years from April 21, 1951, referring by the record book and page of such plat or plats in the office of the county recorder to the plat or plats to be corrected, the making of one or more plats which shall correctly show on the face thereof and by description of the land intended to be platted, which plat or plats may vary from the original plats in description as to lots and blocks to suit the best purpose and secure the best results. Such plat or plats, in a declaration thereon, shall recite such resolution and shall identify each separate tract of land described therein with such tract of land in the purported plat or plats intended to be corrected thereby, and shall be certified by the proper officers of the municipality as to authorization and by an engineer or surveyor as to correctness, and the signatures of such persons shall be acknowledged in like manner as a deed.

Subd. 2. **Corrected plat to be prima facie evidence.** Such plat or plats when so certified and acknowledged may be filed in the office of the county recorder and the declaration therein may be recorded at length in a "Book of Plat Certificates"; and when so filed and recorded such plat or plats and declaration together with the record thereof shall be prima facie evidence in all matters shown or stated therein as to the lands covered thereby.

Subd. 3. **Application to certain cities.** This section shall not apply to a city whose charter provides for official supervision of plats by municipal officers, commission or board.

History: 1949 c 557 s 1; 1951 c 597 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1990 c 480 art 9 s 24

505.174 SURVEYOR'S CERTIFICATE OF OWN PLAT ERROR; CORRECTION.

In any case where a land plat or subdivision, or what purports to be a land plat or subdivision, has been executed and filed in the office of the county recorder of the county where the land is situated, which fails to identify or correctly describe the land to be so platted or subdivided, or to show correctly upon its face the tract of land intended or purported to be platted or subdivided thereby or is defective by reason of the plat or subdivision and the description of the land purported to be so platted or subdivided thereby being inconsistent or incorrect, the registered surveyor who prepared such plat or subdivision may execute a certificate stating the nature of the error, omission or defect and stating the correct information to correct such error, supply such omission or cure such defect, referring, by correct book and page, to such plat or subdivision and designating its name, if there is a name. Such certificate shall be dated and signed by such registered surveyor.

History: 1955 c 472 s 1; 1976 c 181 s 2

505.175 CERTIFICATES BY OTHER SURVEYORS.

Whenever the registered surveyor who prepared such plat or subdivision shall not be available, or whenever such plat or subdivision shall not have been prepared by a registered surveyor, such certificate may be executed by any registered surveyor, but shall state the reason why the registered surveyor who prepared the plat or subdivision is not available, or, if the plat or subdivision was not prepared by a registered surveyor, shall state that fact.

History: 1955 c 472 s 2

505.176 APPROVAL OF CERTIFICATES; FILING AND RECORDING.

When the certificate has been approved by the governing body of the area involved and a certificate stating that said plat certificate has been approved by the governing body signed by the clerk of said body is attached to said plat certificate, the county recorder of the county in which the land so platted or subdivided is located shall accept each such certificate for filing and recording in the recorder's office upon payment of a fee therefor commensurate with the length of the certificate. Neither witnesses nor an acknowledgment shall be required on any such certificate, but it shall be signed by the registered surveyor and shall state following the signature that the surveyor is a registered surveyor in the state of Minnesota. The county recorder shall make suitable notations on the record of the plat or subdivision to which such certificate refers to direct the attention of anyone examining such plat or subdivision to the record of such certificate.

History: 1955 c 472 s 3; 1976 c 181 s 2; 1986 c 444

505.177 CERTIFICATE AS PRIMA FACIE EVIDENCE.

A certificate filed pursuant to sections 505.174 to 505.177 shall be prima facie evidence of the statements appearing therein and shall be received in evidence for that purpose. No such certificate shall have the effect of destroying or changing vested rights acquired based upon an existing plat or subdivision despite errors or defects therein or omissions therefrom.

History: 1955 c 472 s 4

505.178 VALIDATION OF CERTAIN PLATS.

Subdivision 1. **Court order to record.** The county board, county recorder, county treasurer, county attorney or county auditor, or any person having an interest in a parcel of land lying within an area appearing on a plat which is on file in the office of the county recorder, but which is not officially recorded, or a plat which is missing from the records of the county recorder, may petition the district court of the county for an order providing for the recording of such plat.

Subd. 2. **Elements of proof.** If the court finds from the evidence adduced:

(1) That such plat was filed with the county recorder more than 40 years prior to May 23, 1965;

(2) That in the case of a missing plat, the county recorder has made a diligent search for such missing plat but has been unable to find it; and

(3) That the plat proposed as a replacement of the missing plat is a true and correct reproduction of the missing plat; or

That the plat other than a missing plat has been on file in the office of the county recorder for more than 40 years prior to May 23, 1965, but was not officially recorded, the court shall make its

findings and order accordingly and direct the court administrator to certify upon the said plat that it is entitled to record in the office of the county recorder pursuant to the provisions of this statute.

History: 1965 c 640 s 1; 1976 c 181 s 2; 1980 c 509 s 175; 1Sp1986 c 3 art 1 s 82

505.179 USE OF PLAT.

A plat so certified pursuant to order of the court shall be entitled to record and may be used for any purpose in like manner as a plat qualified under section 505.177.

History: 1965 c 640 s 2

505.1791 FEES.

Any fees incurred in executing the provisions of sections 505.178 to 505.1791 shall be paid by the county if the county officer involved receives fees instead of a fixed salary paid by the county, and if the county officer involved is paid a fixed salary, no such fees shall be charged.

History: 1965 c 640 s 3

505.1792 STREETS, ROADS, HIGHWAYS AND RIGHTS-OF-WAY.

Subdivision 1. **Informal; for information.** In order to give supplemental information to the public as to the location of streets, county roads, county state-aid highways, town roads, and other transportation corridors, and the right-of-way thereof, the governing body of any city, town, or county may file for record in the office of the county recorder and the registrar of titles of said county such maps or plats showing such information as the governing body shall determine necessary. The map or plat shall be subscribed by the mayor or chair of the governing body and the county surveyor, together with a certified copy of the resolution of the governing body setting forth the necessity for said plat, and shall be entitled to record without compliance with the provisions of this chapter. Any amendments, alterations, or vacations of such maps or plats so filed may be entitled to record in like manner.

Subd. 2. **Requirements.** The map or plat shall be prepared in compliance with section 505.021, subdivisions 1 and 5, and recorded in compliance with section 505.04.

Subd. 3. **When street plat prohibited.** A city or town may not file a street plat for any street that is a county road or state highway, or carried designation as a county road or state highway at the time the plat is offered for filing.

Subd. 4. **Not a title transfer.** Maps or plats filed for record under this section shall not operate of themselves to transfer title to the property described but such maps or plats shall be for descriptive purposes and shall be notice that the municipality claims an interest in said lands.

History: Ex1967 c 58 s 1; 1969 c 220 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1978 c 499 s 2; 1986 c 444; 1989 c 269 s 49; 2007 c 73 s 6

505.1793 PROPOSED LOCAL RIGHT-OF-WAY ACQUISITIONS; FILING.

Subdivision 1. **Filing and recording.** To facilitate the acquisition of right-of-way required for public transportation and public utility and drainage easements, the governing body of a statutory or home rule charter city or town may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the governing body determines necessary. The map or plat must show by outline all tracts and parcels of land affected

by the proposed acquisition. The map or plat must be subscribed by the mayor or chair of the governing body and prepared and certified by a licensed land surveyor. The certified map or plat is entitled to record without compliance with chapter 505.

Subd. 2. Changes in maps or plats. Amendments, alterations, rescissions, or vacations of orders, resolutions, maps, or plats so filed are entitled to record in the same manner. The recorder or registrar may make suitable notations on the appropriate map or plat affected by an amendment, alteration, rescission, or vacation to direct the attention of anyone examining the record to the proper map or plat.

Subd. 3. Errors; correcting certificate. If an error on a map or plat incorrectly defines the intended acquisition, but does not affect rights of interests to be acquired, a certificate may be prepared stating what the defect is, what the correct information is, and which map or plat the certificate affects. The certificate must be signed by a licensed land surveyor and subscribed by the mayor or chair of the governing body. The certificate must be filed for record in the office of the county recorder or registrar of titles in the county where the map or plat is filed. When filed, the certificate amends the map or plat. The recorder or registrar may make suitable notations on the map or plat to which the certificate refers to direct the attention of anyone examining the map or plat to the record of the certificate.

Subd. 4. No effect on title. Maps or plats filed for record under this section do not operate of themselves to transfer title to the property described and designated by appropriate parcel number, but the maps or plats are to be used for delineation purposes.

Subd. 5. Description by reference. Land acquisition by the governing body for public transportation and public utility and drainage easements by instrument of conveyance or by eminent domain proceedings may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the acquisition.

History: 1990 c 420 s 1; 1998 c 324 s 9

COORDINATES

505.18 MINNESOTA COORDINATE SYSTEM.

The system of plane coordinates which has been established by the National Ocean Survey/National Geodetic Survey, formerly the United States Coast and Geodetic Survey or its successors, for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Minnesota is hereafter to be known and designated as the "Minnesota Coordinate System of 1927 and the Minnesota Coordinate System of 1983."

For the purpose of the use of this system the state is divided into a "North Zone," a "Central Zone," and a "South Zone."

The area now included in the following counties shall constitute the North Zone: Beltrami, Clearwater, Cook, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnommen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and Saint Louis.

The area now included in the following counties shall constitute the Central Zone: Aitkin, Becker, Benton, Carlton, Cass, Chisago, Clay, Crow Wing, Douglas, Grant, Hubbard, Isanti, Kanabec, Mille Lacs, Morrison, Otter Tail, Pine, Pope, Stearns, Stevens, Todd, Traverse, Wadena, and Wilkin.

Subd. 3. **Exchange certificate designation.** A certificate of title issued pursuant to this section shall be known as an exchange certificate.

History: 1983 c 92 s 11; 1984 c 655 art 1 s 70; 1999 c 11 art 1 s 20; 2001 c 50 s 5,38

508.43 CERTIFICATE, EFFECTIVE DATE.

The certificate of title, when entered in the register of titles, shall relate back to and take effect as of the date of the decree of registration.

History: (8289) RL s 3411; 1905 c 305 s 41

508.44 [Repealed, 1999 c 11 art 1 s 72]

508.45 [Repealed, 1999 c 11 art 1 s 72]

508.46 PLATS OF REGISTERED LAND.

The owner of registered land may plat the same and subdivide it into lots and blocks in like manner as in case of unregistered land. All laws with reference to the subdivision and platting of unregistered land shall apply with like force and effect to registered land excepting only that the surveyor's plat thereof shall be filed with the registrar.

History: (8292) RL s 3414; 1905 c 305 s 44

508.47 REGISTERED LANDS; TRANSFER, SURVEYS.

Subdivision 1. **Conveyances.** An owner of registered land may convey, mortgage, lease, charge, or otherwise deal with the same as fully as if it had not been registered. An owner of registered land may use any form of deed, mortgage, lease, or other voluntary instrument sufficient in law for the purpose intended. No voluntary instrument of conveyance purporting to convey or affect registered land, except a will, and a lease for a term not exceeding three years, shall take effect as a conveyance, or bind or affect the land, but shall operate only as a contract between the parties, and as authority to the registrar to make registration. The act of registration shall be the operative act to convey or affect the land.

Subd. 2. **Registered land survey.** The registrar of titles may require that the owner of a parcel of unplatted registered land, who conveys any part thereof which is not a full government subdivision, or simple fractional or quantity part of a full government subdivision, shall first file with the registrar of titles a drawing in triplicate of said parcel of unplatted land, showing the tract or tracts being or to be conveyed, which drawing shall be known as a "registered land survey."

Subd. 3. **Definitions.** (a) A full government subdivision is defined as a government lot, a quarter-quarter section, a quarter-quarter-quarter section ad infinitum;

(b) A simple fractional part of a full government subdivision is defined as: one-half; two-thirds; one-fourth, and similar fractions;

(c) A simple quantity part of a full government subdivision is defined as: 20 acres; 200 feet, ten chains, and similar quantities.

Subd. 4. **Survey; requisites; filing; copies.** The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of said tracts to be shown by angles or bearings or other relationship to the outside lines of said registered land survey, and the surveyor shall place monuments in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter

CHAPTER 236—S.F.No.2285
[Not Coded]

An act relating to the city of Duluth; expanding the subdivision control and regulatory power of the planning commission; modifying the procedure for approval of plats by such commission; making Minnesota Statutes, Section 462.358, Subdivision 4, applicable to the city; adopting additional building restrictions; amending Laws 1933, Chapter 93, Sections 1, 2, 4, 5, 6, 7 and 10.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1933, Chapter 93, Section 1, is amended to read:

Section 1. DULUTH, CITY OF; SUBDIVISION CONTROL; DEFINITIONS. For the purpose of this act, certain terms are defined as follows:

"Subdivision" means the division of a lot, tract, or parcel of land into ~~three-two~~ or more lots, plats, sites or other divisions of land of ~~one acre or less in area~~, for the purpose, whether immediate or future, of sale or of building development. ~~It also means the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land of more than one acre and less than ten acres in area, if such subdivision provides or there is shown on a plat thereof a new street or highway. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.~~

The term "street" includes street, avenue, boulevard, road, lane, alley, viaduct, and other ways.

Sec. 2. Laws 1933, Chapter 93, Section 2, is amended to read:

Sec. 2. CITY PLANNING COMMISSIONS TO CONTROL PLATTING. The governing body ~~city council~~ of any city of the first class, ~~having more than 35 percent of the land area of said city unplatted land-the city of Duluth~~ may, by ordinance, authorize and empower its city planning commission to control the platting of land.

Sec. 3. Laws 1933, Chapter 93, Section 4, is amended to read:

Sec. 4. PLATS MUST BE APPROVED BY COMMISSION. ~~When-~~ever such planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction ~~or part thereof~~, and shall have filed a certified copy of such plan in the office of the register of deeds of the county in which such territory ~~or part~~ is located; No plat of a subdivision of land lying within such territory ~~or part-the jurisdiction of such planning commission~~ shall be filed or recorded until

Changes or additions indicated by underline deletions by ~~strikeout~~

it shall have been approved by such planning commission and such approval entered in writing on the plat by the ~~chairman or president and~~ secretary of the commission.

Sec. 4. Laws 1933, Chapter 93, Section 5, is amended to read:

Sec. 5. **MAY ADOPT REGULATIONS.** Before exercising the powers referred to in Section 2, the planning commission shall adopt regulations governing the subdivision of land within its jurisdiction, so as to secure a harmonious development and to provide for the coordination of streets with other streets and with the city plan and to provide for open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may include reasonable provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the city may accept a contract secured by a cash deposit, certified check or bond with surety to secure to the municipality the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by the municipality. The ~~municipality-city~~ is hereby granted the power to enforce such ~~bond contract~~ by all appropriate legal and equitable remedies. The subdivision regulations may require that in appropriate plots of subdivisions to be developed for residential, commercial, industrial or other uses, or as a planned development which includes residential, commercial and industrial uses, or any combination thereof, that a reasonable portion of each proposed subdivision be dedicated to the public for public use as parks, playgrounds, public open space, or storm water holding areas or ponds, or that the subdivider contribute an equivalent amount in cash based on the fair market value of the undeveloped land as defined by the regulations, provided that cash payments received under such regulations shall be placed in a special fund by the municipality and used only for the acquisition of land for parks, playgrounds, public open space and storm water holding areas or ponds, development of existing park and playground sites, public open space and storm water holding areas or ponds, and debt retirement in connection with land previously acquired for such public purposes.

Such regulations may provide for a procedure for varying the regulations as they apply to specific properties where an unusual hardship on the land exists, but variances may be granted only upon the specific grounds set forth in the regulations.

All such regulations shall be published as provided by law for the publication of ordinances, and, before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the planning commission to the register of deeds of the ~~St. Louis county or counties in which the municipality and territory are located~~.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 5. Laws 1933, Chapter 93, Section 6, is amended to read:

Sec. 6. ACCEPTANCE OF DEDICATED STREETS AND OPEN SPACES. The planning commission shall approve or disapprove a plat within 45 days after the submission thereof; otherwise such plat shall be deemed to have been approved; and a certificate to that effect shall be issued by the commission on demand. Provided, however, that the applicant for the planning commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the planning commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the planning commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the city plan and a part thereof. Approval of a plat by the planning commission shall be deemed the acceptance by the public of any street or other open space offered therein for dedication, but shall not impose any duty upon the governing body city council to maintain or improve such dedicated areas until the governing body city council shall have authorized maintenance or improvement of the same, in accordance with charter or other local provisions governing public expenditures for such purposes.

Sec. 6. Laws 1933, Chapter 93, Section 7, is amended to read:

Sec. 7. MINNESOTA STATUTES, 1969, SECTION 462.358, SUBDIVISION 4, APPLICABLE TO CITY. Whoever, being the owner or agent of the owner of any land located within a subdivision transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning commission and recorded or filed in the office of the county register of deeds, shall forfeit and pay a penalty of \$100 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by a civil action in any court of competent jurisdiction.

The provisions of Minnesota Statutes, Section 462.358, Subdivision 4, shall be deemed applicable to conveyances of land lying within the jurisdiction of the planning commission of the city of Duluth.

Sec. 7. Laws 1933, Chapter 93, Section 10, is amended to read:

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 10. **BUILDING RESTRICTIONS.** From and after the time when the planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, no building shall be erected on any lot within such territory or part, nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time, or unless such street (b) corresponds with a street shown on the city plan or with a street on a subdivision plat approved by the planning commission or with a street accepted by the city council, after submission to the planning commission, by the favorable vote required in Section 9 of this act. Any building erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and have it removed.

No permit shall be issued for the construction of a building on a lot or parcel, if the most recent conveyance of such lot or parcel is not entitled to be filed or recorded under the provisions of Minnesota Statutes, Section 462.358, Subdivision 4.

Sec. 8. This act shall become effective only after its approval by a majority of the city council of the city of Duluth and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved March 23, 1974.

CHAPTER 237—S.F.No.3331
[Not Coded]

An act relating to the termination of teachers due to discontinuance of position or lack of pupils in Independent School District No. 709, St. Louis county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **INDEPENDENT SCHOOL DISTRICT NO. 709; TERMINATION OF TEACHING POSITIONS.** Independent School District No. 709, St. Louis county, and the exclusive representative of teachers as defined by Minnesota Statutes, 1973 Supplement, Section 179.63, Subdivision 13, may enter into a written agreement with respect to the termination of such teachers due to discontinuance of position or lack of pupils within the school district, which may include a method, system or scheme other than that provided by Minnesota Statutes, Section 125.17, Subdivision 11, or any act amendatory thereof.

Sec. 2. This act is effective the day following its final enactment.

Approved March 25, 1974.

Changes or additions indicated by underline deletions by ~~strikeout~~